

1 THE HONORABLE ROBERT S. LASNIK
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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10 DWIGHT HOLLAND,) Case No.: 2:11-cv-01792-MAT
11 Plaintiff,)
12 v.) PLAINTIFF'S MOTION FOR LEAVE TO
13 ER SOLUTIONS, INC.,) FILE FIRST AMENDED
14 Defendant) COMPLAINT
15 _____)
16 Plaintiff Dwight Holland respectfully moves the Court for leave to file
17 a First Amended Complaint in this matter, pursuant to F.R.Civ.P. 15. The
18 proposed First Amended Complaint is submitted herewith.
19 Rule 15 provides that leave to amend "shall be freely given when
20 justice so requires." F.R.Civ.P. 15(a). According to the Supreme Court, "this
21 mandate is to be heeded." *Foman V. Davis*, 371 U.S. 178, 182 (1962). "If the
22 underlying facts or circumstances relied upon by a plaintiff may be a proper
23 subject of relief, he ought to be afforded an opportunity to test his claim
24 on the merits." *Id.*

25 Accordingly, the Ninth Circuit follows a "strong policy permitting
26 amendment," *fuller v. Vines*, 36 F.3d 65,67 (9th Cir. 1994); and cautions that
27 leave to amend should only be denied in extreme cases such as undue delay,
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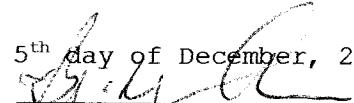
1 bad faith, or dilatory motive on the part of the movant. *Johnson v.Buckley*,
2 356 F.3d 1067 (9th Cir.2004).

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4 WHEREFORE, Plaintiff respectfully prays that the Court grant this
5 Motion for Leave To File First Amended Complaint.

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7 Dated this 5th day of December, 2011


Dwight Holzand
325 Washington avenue south
Kent, Washington 98032
Pro-se litigant

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